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Kabir vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1368228

Court : Kerala Orders

Decided On : Jul-04-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./4874/2023

Appellant : KABIR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A. TUESDAY, THE 4TH DAY OF JULY 2023 / 13TH ASHADHA, 1945 CRIME NO.852/2023 OF IRINJALAKKUDA POLICE STATION, THRISSUR PETITIONER/ACCUSED: KABIR AGED 55 YEARS S/O KOCHU BAVA, PICHATHARA HOUSE,KONATHUKUNNU P.O THEKKUMKARA VILLAGE, MUKUNDAPURAM TALUK THRISSUR, PIN - 680123 BY ADVS. PRAVEEN K. JOY M.P.UNNIKRISHNAN ABISHA.E.R FATHIMA SHALU S. ARDRA ANIL E.S.SANEEJ N.ABHILASH DEEPU RAJAGOPAL ALBIN VARGHESE

RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY

ADV PUBLIC PROSECUTOR ADV SREEJA V -SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.852/2023 Irinjalakkuda Police Station which was originally registered for the offences punishable under Sections 354 and 354(A)(1) of IPC. Today when the matter came up on consideration, the learned Public Prosecutor upon instructions submitted that the offences under Sections 3(1)(w)(i), 3(2)(v)(a) of Scheduled casts and Scheduled Tribes (Prevention of Atrocities) Act were also incorporated. Since the offences under SC/ST Act have been incorporated, the anticipatory bail application, cannot be entertained by this Court as

held by this Court in Basheer v. Rajani [2022(5) KLT 352]

In such circumstances, this application is closed without prejudice to the rights of the petitioner to invoke appropriate remedies. Sd/- ZIYAD RAHMAN A.A. JUDGE scs

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